

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE:	)	
	)	
CHRISTOPHER THOMAS HOOLEY,	)	CASE NO. 06-61053 JPK
	)	Chapter 7
Debtor.	)	
*****	)	
DAVID R DUBOIS,	)	
Plaintiff,	)	
v.	)	ADVERSARY NO. 07-2082
CHRISTOPHER THOMAS HOOLEY,	)	
Defendant.	)	

ORDER FOR HEARING

The record in this adversary proceeding establishes that proper service of summons and the complaint was made upon the defendant, and that no appearance or response to the complaint was filed by or on behalf of the defendant. An entry of default has been made pursuant to Fed.R.Bankr.P. 7055/Fed.R.Civ.P. 55(a).

The ground upon which the complaint seeks to premise its request for revocation of discharge is that provided by 11 U.S.C. § 727(d)(3)/§ 727(a)(6)(A). This ground for revocation of discharge requires the debtor to have refused "to obey any lawful order of the court". The order with which it is alleged the debtor/defendant failed to comply is an order with respect to turnover of tax returns to the Chapter 7 Trustee. The critical portion of that order, entered on May 30, 2007, states the following:

ORDERED that the debtor, **Christopher T. Hooley**, fourteen (14) days from the date hereof, to **Calvin D. Hawkins**, Chapter 7 Trustee, 4858 Broadway, Post Office Box 64859, Gary, Indiana 46401 the following: Debtor's 2006 federal and state income tax returns.

This order, prepared and submitted to the Court by the plaintiff, was obviously not reviewed thoroughly by the Court prior to its entry: the order fails to require the debtor to do anything with respect to income tax returns. As a result, the complaint fails to state a claim upon which

relief may be granted.

IT IS ORDERED that a hearing will be held on **May 23, 2008, at 10:00 A.M.** pursuant to Fed.R.Bankr.P. 7055/Fed.R.Civ.P. 55(b)(2) to determine the course of further proceedings in this adversary proceeding with respect to the plaintiff's request for entry of judgment by default.

Dated at Hammond, Indiana on April 29, 2008.

/s/ J. Philip Klingeberger  
J. Philip Klingeberger, Judge  
United States Bankruptcy Court

Distribution:  
Attorney for Plaintiff